

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least 30 days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than 30 days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the 90-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than 30 days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 2—DEPARTMENT OF AGRICULTURE Division 70—Plant Industries Chapter 13—Boll Weevil Eradication

PROPOSED AMENDMENT

2 CSR 70-13.030 Program Participation, Fee Payment and Penalties. The department is amending sections (1)–(5).

PURPOSE: This amendment changes the schedule of fee payment, certification and adds a requirement of filing intended acres.

(1) Upon passage of the grower referendum conducted under the provisions of section 263.527, RSMo [Supp. 1998] 2000, all cotton growers in the affected regions as set out in 2 CSR 70-13.015, as defined by the Certified Cotton Growers Organization,

shall be required to participate in the boll weevil eradication program as follows:

(A) Upon implementation of a boll weevil eradication program, all **cotton growers in an eradication area shall certify their actual cotton acreage with their local Farm Service Agency (FSA) office in accordance with the FSA final certification date. All cotton growers shall also file a cotton acreage reporting form with their local [United States Department of Agriculture, Farm Service Agency (FSA)] FSA office by [August] May 15, [showing actual certified cotton acreage. At this time, a fee not to exceed fifteen dollars (\$15) per acre, shall be assessed and paid based on certified acreage] indicating intended cotton acreage to be planted during the current growing season. Intended cotton acreage filing will be required starting with the second year of the eradication program;**

(C) All fees paid by **cotton growers shall be [submitted to the local FSA office and] made payable and submitted to the Missouri Department of Agriculture by October 15 during each year that the eradication program is in operation.**

(2) **[Growers] Any cotton grower** underreporting by more than ten percent (10%) of the actual planted **cotton** acreage, as determined by FSA certified or measured acreage, will be assessed a penalty of five dollars (\$5) per acre on that acreage, in addition to the annual assessment fee. **[Growers] Any cotton grower** underreporting **cotton** acreage by more than ten percent (10%) **[due to emergency or hardship,]** may apply for a waiver. Any **cotton** grower applying for a waiver shall make application in writing, to the director stating the conditions under which they request the waiver. The decision **[of]** whether or not to waive all or part of these requirements shall be made by the director and notification given to the **cotton** grower within two (2) weeks after receipt of such application. **[The director shall base the decision upon the following:**

(A) *Meteorological conditions;*

(B) *Economic hardship; and*

(C) *Any other uncontrollable destructive forces.]*

(3) Failure to pay all assessments due on or before **[August] October 15 [deadline]** of the current growing season will result in a penalty fee of five dollars (\$5) per acre. A **cotton** grower who fails to pay all assessments, including penalties, **[within thirty (30) days of notice]** is subject to all provisions of section 263.534, RSMo [Supp. 1998] 2000.

(4) **[A] Any cotton grower** may apply for a waiver requesting delayed payment under conditions of financial hardship or bankruptcy. Any **cotton** grower applying for a waiver shall make application in writing to the director on a form prescribed by the director. This request must be accompanied by a financial statement from a bank or lending agency supporting such request. No waiver for financial hardship shall be granted to any cotton grower whose taxable net income for the previous year exceeds fifteen thousand dollars (\$15,000). **[All] Any cotton grower/s** granted a waiver request/s/ for financial hardship or bankruptcy will be charged interest payable at a rate equal to one percent (1%) above prime per annum **as listed in the Wall Street Journal on the date of the waiver application.** The decision whether or not to waive all or part of these requirements shall be made by the director with the approval of the Board of Directors of the Certified Cotton Growers Organization and notification given to the **cotton** grower by the director within **[two (2) weeks] thirty (30) days** after receipt of such application. Failure to **[pay all fees or]** file a completed waiver request for delayed payment on or before **[August] October 15** of the current growing season will result in a penalty fee of five dollars (\$5) per acre.

(5) At such times as are beneficial to the boll weevil eradication program, the Certified Cotton Growers Organization may authorize credits for early cotton stalk destruction. Such credits shall be applied to the subsequent year's assessment as determined by the Certified Cotton Growers Organization. In order to claim such credits—

(A) The **cotton** grower must complete a stalk destruction verification form. Such forms must be completed at the local FSA office;

*AUTHORITY: sections 263.505, **263.512**, 263.517, [and] 263.527 and **263.534**, RSMo [Supp. 1998] 2000. Original rule filed June 29, 1999, effective Dec. 30, 1999. Amended: Filed March 29, 2001.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an estimated \$48,000,000 over a seven-year period. See attached fiscal note.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Plant Industries Division, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

[illegible]

III. WORKSHEET

County	Number of Farms with Cotton
Bollinger	0
Butler	7
Cape Girardeau	0
Dunklin	298
Mississippi	8
New Madrid	243
Pemiscot	167
Ripley	0
Scott	37
Stoddard	93
TOTAL	853

IV. ASSUMPTIONS:

The farm number data presented is from the 1997 National Census of Agriculture, National Agricultural Statistic Service. General trends, as forecasted by the Missouri Agricultural Statistic Service (MASS), reflects a decline in the number of farms. Cotton acreage is also variable from year to year. The figure used to estimate number of acres is from prospective 2001 cotton planting as stated by the National Cotton Council Survey. The maximum assessment will be \$10.00/A for the first year of the program and \$12.50/A for the remaining six years. Conditions such as favorable weather occurrences could reduce the program cost which will be reflected on a year to year basis. Additional state funds would also reduce the cost on an annual basis. The penalty estimate is based upon ten percent of the reported acres being delinquent, with a five dollar per acre charge.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 5—Inspections**

PROPOSED AMENDMENT

2 CSR 80-5.010 Inspection Fees. The board is amending section (1) on inspection fees.

PURPOSE: This rule is being amended by changing the time period for which the fees apply and publishing the fees established by the State Milk Board for that period. This amendment updates the reference to the time period for which milk inspection fees apply.

(1) The inspection fee for Fiscal Year [2001 (July 1, 2000–June 30, 2001)] **2002 (July 1, 2001–June 30, 2002)** shall be five cents (5¢) per hundred weight on milk produced on farms inspected by the State Milk Board or its contracted local authority and four cents (4¢) per hundred weight on milk imported from areas beyond the points of routine inspection.

AUTHORITY: section 196.939, RSMo [1999] 2000. Original rule filed April 12, 1977, effective Sept. 11, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed March 30, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The State Milk Board estimates that the following private entities will be affected by this proposed amendment in the given numbers: six producer marketing agencies and six additional Grade A dairy plants located in the State of Missouri (to be assessed five cents per hundred weight on milk produced and/or handled) and eight producer marketing agencies and 34 individual Grade A dairy plants (to be assessed at four cents per hundred weight on milk inspected from areas beyond the points of routine inspection). The State Milk Board further estimates the aggregate cost of the compliance with this proposed amendment by the enumerated entities to be \$1,468,136 for the period July 1, 2001 through June 30, 2002.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment is scheduled for June 4, 2001, at 11:00 a.m. CDT, in the conference room of the State Milk Board Office, 911-D Leslie Blvd., Jefferson City, Missouri. Written comments must be received no later than June 4, 2001. Comments regarding the proposed amendment may be sent to Terry S. Long, Executive Secretary, State Milk Board, 911-D Leslie Blvd., Jefferson City, MO 65101. Telephone 573/751-3830.

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Title: Title 2 – DEPARTMENT OF AGRICULTURE
 Division: Division 80 – State Milk Board
 Chapter: Chapter 5 - Inspections
 Type of Rulemaking: PROPOSED AMENDMENT
 Rule Number and Name: 2 CSR 80-5.010 Inspection Fees

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
6	Producer Mktg. Agencies	5¢ c.w.t.*
6	Grade A Dairy Plants/Missouri	5¢ c.w.t.*
8	Producer Mktg. Agencies	4¢ c.w.t.*
34	Grade A Dairy Plants Outside Missouri	4¢ c.w.t.*

TOTAL COST ESTIMATE: \$1,468,136

III. WORKSHEET

PRIVATE ENTITY COSTS:

FY 2002

6	Producer Marketing Agencies and	
6	Grade A Dairy Plants of Missouri	5¢ c.w.t.*
8	Producer Marketing Agencies and	
34	Grade A Dairy Plants Outside Missouri	4¢ c.w.t.*

TOTAL COST ESTIMATE: \$1,468,136

* c.w.t. = per hundred weight (cost per pound)

IV. ASSUMPTIONS

The estimates contained in this fiscal note are based upon the following assumptions:

All estimates shown are based upon milk inspection fees collected during FY '00. Varying conditions (drought, severe cold weather, market conditions, etc.) effect total pounds of milk marketed, thereby effecting cost to private entities.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 30—Division of [School Services]
Administrative and Financial Services
Chapter 261—Pupil Transportation**

PROPOSED AMENDMENT

5 CSR 30-261.025 Minimum Requirements for School Bus Chassis and Body. The board is proposing to amend section (1) and the incorporated by reference material.

PURPOSE: The amendment is a result of changes to the *National School Transportation Specifications and Procedures* and *Federal Motor Vehicle Safety Standards*, and recommendations from the 2000–2001 Minimum Standards Technical Advisory Committee. The amendment will enhance the safety of schoolchildren being transported in school buses.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) [This rule incorporates by reference material titled *1997 Missouri Minimum Standards for School Buses*, to reflect the changing needs of pupil transportation in Missouri, changes in national standards for school buses and federal motor vehicle safety standards.] **The 2002 Missouri Minimum Standards for School Buses**, is hereby incorporated by reference and made a part of this rule to reflect the changing needs of pupil transportation in Missouri, changes in national specifications for school buses and federal motor vehicle safety standards. The changes will enhance the safety of schoolchildren being transported in school buses.

AUTHORITY: section 304.060, RSMo [Supp. 1994] 2000. This rule was previously filed as 5 CSR 40-261.025. Original rule filed Feb. 23, 1981, effective Oct. 1, 1981. Amended: Filed Sept. 22, 1983, effective Feb. 15, 1984. Amended: Filed Oct. 29, 1986, effective March 1, 1987. Emergency amendment filed Sept. 21, 1990, effective Oct. 1, 1990, expired Jan. 28, 1991. Amended: Filed Sept. 21, 1990, effective March 14, 1991. Amended: Filed Dec. 21, 1992, effective July 8, 1993. Amended: Filed April 24, 1996, effective Dec. 30, 1996. Amended: Filed Nov. 20, 1996, effective May 30, 1997. Amended: Filed March 21, 2001.

PUBLIC COST: The current public cost of this rule for the Department of Elementary and Secondary Education is estimated to be \$549,791 for Fiscal Year 2001. The current public cost of this rule for public school districts is estimated to be \$392,027 for Fiscal Year 2001. The cost will be reoccurring annually with an estimated increase of 5% per year for the life of the rule based on yearly appropriations from the General Assembly. The proposed amendment is estimated to increase the Department of Elementary and Secondary Education's cost by \$62,491 for Fiscal Year 2002 and \$196,847 for Fiscal Year 2003, with the cost reoccurring annually with an estimated increase of 5% per year for the life of the rule based on yearly appropriations from the General Assembly. The proposed amendment is estimated to increase the public school district's cost by \$44,559 for Fiscal Year 2002, and \$140,361 for Fiscal Year 2003, with the cost reoccurring annually with an estimated increase of 5% per year for the life of the rule based on yearly appropriations from the General Assembly.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Gary Dixon, Director of School Governance, PO Box 480, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Title: 5 Department of Elementary and Secondary Education
Division: 30 Division of Administrative and Financial Services
Chapter: 261 Pupil Transportation
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 5 CSR 30-261.025 Minimum Requirements for School Bus Chassis and Body

II. SUMMARY OF FISCAL IMPACT

The current public cost of this rule for the Department of Elementary and Secondary Education is estimated to be \$549,791 for Fiscal Year 2001, \$639,771 for Fiscal Year 2002 and \$802,991 for Fiscal Year 2003. The current public cost of this rule for the 524 public school districts is estimated to be \$392,027 for Fiscal Year 2001, \$456,188 for Fiscal Year 2002 and \$572,571 for Fiscal Year 2003. The costs will be reoccurring annually after Fiscal Year 2003 with an estimated increase of 5% per year for the life of the rule based upon yearly appropriations from the General Assembly.

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Elementary and Secondary Education	Estimated \$549,791 for FY2001, \$639,771 for FY2002 and \$802,991 for FY2003 with this cost reoccurring annually with an estimated increase of 5% per year for the life of the rule based upon yearly appropriations from the General Assembly.
Public School Districts	Estimated \$392,027 for FY2001, \$456,188 for FY2002 and \$572,571 for FY2003 with this cost reoccurring annually with an estimated increase of 5% per year for the life of the rule based upon yearly appropriations from the General Assembly.

III. WORKSHEET

<u>Increased Expenditures Due to Rule Amendment</u>	<u>FY2002</u> (Remainder of FY)	<u>FY2003</u> (First Full FY of Implementation)
1. Lettering for fuel filler opening	\$ 800	\$ 2,520
2. Increased emergency exit requirements	<u>\$106,250</u>	<u>\$334,688</u>
Total	\$107,050	\$337,208

School Districts are reimbursed a maximum of 75% of their allowable costs for pupil transportation. However, a three-year average indicates a percentage of 87.31 of eligible costs to allowable costs and a 66.86% of entitlement to eligible costs. The three-year averages have been used to estimate the increased expenditures due to the proposed amendment.

IV. ASSUMPTIONS

It is assumed the increased cost of school buses will affect the cost of pupil transportation of school districts either by the direct purchase of a school bus or by the increased cost to contractors for vehicles being passed on to the school district.

It is estimated that approximately 800 school buses are being purchased in a given fiscal year throughout Missouri.

It is estimated that one-third of the buses purchased in FY2002 will be affected by the proposed amendment.

It is estimated the cost to implement the rule has increased by 5% each year.

Prices are the projected cost supplied by a major school bus distributor.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 60—Vocational and Adult Education
Chapter 100—Adult Education**

PROPOSED AMENDMENT

5 CSR 60-100.020 Administration of High School Equivalence Program. The board is proposing to amend the Purpose, sections (2), (3), (4), (5), (7), and subsections (1)(C), and delete the form that immediately follows this rule in the *Code of State Regulations* and the reference to the Atty. Gen. Opinion.

PURPOSE: This amendment is necessary to provide a simplified process for the state board to maintain a fee structure for the GED program and to clarify the program rule in place.

PURPOSE: The [State] Department of Elementary and Secondary Education (DESE) determines applicant eligibility, arranges for testing, establishes minimum standard score requirements, issues certificates, approves reexamination in accordance with the policies and procedures of the General Educational Development Testing Services (GEDTS) of the American Council on Education (ACE). [and] DESE cooperates with the Defense Activity for Nontraditional Education Support (DANTES) and United States Armed Forces Institute (USAFI) testing programs.

(1) To be eligible to take the General Educational Development (GED) tests and earn a Missouri High School Equivalency Certificate, a person cannot be enrolled in elementary or secondary school, must be a resident of Missouri (with a Missouri mailing address), and meet one (1) of the following requirements:

(C) Be sixteen (16) or seventeen (17) years of age, withdrawn from school and—

1. Have the written permission of the superintendent or principal of school last attended; *[or]*

2. **Have written permission of parent or legal guardian, if home-schooled; or**

[2.] 3. Be incarcerated or have the written permission of the juvenile judge if under the court's jurisdiction.

(2) Arrangements for Taking the GED Tests.

(A) Servicemen who are residents of Missouri or who are stationed in Missouri in active military service will be allowed to take the GED tests upon the payment of the regular fee established by the Missouri State Board of Education **(the board)**.

(B) The GED tests are administered under the direction of *[the State Department of Elementary and Secondary Education] DESE* at centers approved and designated by *[the State Department of Elementary and Secondary Education] DESE*.

(C) Application forms may be *[secured]* **obtained by contacting the GED Office** *[writing to Director, Adult Education, State Department of Elementary and Secondary Education], P.[.]/O.[.]* Box 480, Jefferson City, MO 65102. The completed form is to be returned for approval. Only approved applicants may take the examination. Positive identification in the form *[or]* of a current Missouri driver's license, Missouri non-driver ID, or United States Passport must be presented by the examinee before being allowed to take the GED test. The local testing center is responsible for positive identification of examinees.

(D) A fee must accompany each application. The remittance by cash, postal money order or cashier's check must be made payable to the Treasurer, State of Missouri. The fee is *[not]* **nonrefundable** and nontransferable. Personal checks are not accepted. The fee for processing applications and issuance of a certificate when achieved will be *[eighteen dollars (\$18)]* **twenty dollars (\$20)**. An additional application and fee of *[eighteen dollars (\$18)]* **twenty**

dollars (\$20) will be required each time an individual retakes any part of the test. Processing of an application and issuance of a certificate to an individual who took the test through the United States Armed Forces Institute/Defense Activity for Nontraditional Education Support will be *[eighteen dollars (\$18)]* **twenty dollars (\$20)**. In addition to the fee paid to the Treasurer, State of Missouri, an examinee will pay the local testing center a fee set by the local testing center not to exceed nine dollars (\$9) each time the tests are taken. A fee of two dollars (\$2), payable to the Treasurer, State of Missouri, also will be charged for each transcript issued other than the original. Replacement certificates may be purchased for a fee of fifteen dollars (\$15), payable to Treasurer, State of Missouri.

(3) Local testing centers will assign testing dates to applicants who have been authorized by *[the Department of Elementary and Secondary Education] DESE* to take the test or to retake all or part of the test. The following areas are covered by the tests: Correctness and Effectiveness of Expression, Interpretation of Reading Materials in the Social Studies, Interpretation of Reading Materials in the Natural Sciences, Interpretation of Literary Materials and General Mathematical Ability.

(4) Effective May 1, 1992, a total minimum standard score of two hundred twenty-five (225) or above on the five (5) tests of GED, with no score below forty (40), is required to qualify for a Missouri Certificate of High School Equivalence. *[Certificates issued prior to May 1, 1992, required a total standard score of two hundred twenty-five (225) or above on the five (5) tests, with no score below thirty-five (35). Certificates issued prior to September 9, 1968, required a total standard score of two hundred forty (240) or above on the five (5) tests, with not more than one (1) score below forty-three (43).]*

(5) Certificates of High School Equivalence are issued only by *[the State Department of Elementary and Secondary Education] DESE*. Public high schools are not permitted to issue these certificates nor are they permitted to issue a diploma on the basis of the GED tests as these tests do not satisfy legal requirements for a high school diploma in Missouri.

(7) GED Tests *[Given]* **given** by *[the Defense Activity for Nontraditional Education Support (DANTES)] DANTES* or *[United States Armed Forces Institute (USAFI)] USAFI* are recognized by Missouri. A completed application form, fee and an official transcript *[to]* **of** GED scores must be submitted to *[Director, Adult Education, State Department of Elementary and Secondary Education] the GED Office, P.[.]/O.[.]* Box 480, Jefferson City, MO 65102. A Missouri Certificate of High School *[Equivalency]* **Equivalence** will be issued if the standard scores meet the minimum score requirements established by the *[State Board of Education] board*.

AUTHORITY: sections 161.092 and 161.093, RSMo [1994] 2000. Original rule filed Oct. 10, 1969, effective Oct. 20, 1969. Amended: Filed Oct. 14, 1976, effective Feb. 1, 1977. Amended: Filed Feb. 13, 1978, effective May 15, 1978. Amended: Filed June 28, 1985, effective Oct. 14, 1985. Amended: Filed Sept. 25, 1987, effective Jan. 29, 1988. Amended: Filed Jan. 28, 1992, effective Sept. 6, 1992. Amended: Filed Oct. 31, 1996, effective June 30, 1997. Amended: Filed March 24, 1998, effective Oct. 30, 1998. Amended: Filed March 21, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities, the potential examinees collectively, \$181,493 in

the Fiscal Year 2002, with that cost reoccurring annually thereafter over the life of the rule for approximately 13,961 potential examinees a year. The cost for the life of the rule for each individual potential examinee is \$2 for the application fee and \$11 for the administration fee. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education. ATTN: Dr. Nancy J. Headrick, Assistant Commissioner, Division of Vocational and Adult Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 60 Vocational and Adult Education

Chapter: 100 Adult Education

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 5 CSR 60-100.020 Administration of High School Equivalence Program

II. SUMMARY OF FISCAL IMPACT

Estimate the number of examinees which would likely be affected by the adoption of the proposed rule:	Estimate in the aggregate as to the cost of compliance with the rule by the affected examinees:
13,961 per year	\$181,493

III. WORKSHEET

\$2.00 increased application fee x 13,961 examinees = \$27,922 per year
\$11.00 increased application fee x 13,961 examinees = \$153,571
\$27,922 + \$153,571 = \$181,493

IV. ASSUMPTIONS

Based upon previous data from past years, the Board assumes the 13,961 examinees for certification.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—[Urban and Teacher Education] Teacher
Quality and Urban Education
Chapter 800—Teacher Certification and Professional
Conduct and Investigations

PROPOSED AMENDMENT

5 CSR 80-800.200 Application for Certificate of License to Teach. The board proposes to amend subsections (10)(A), (10)(B) and the incorporated by reference material.

PURPOSE: This amendment updates the certification requirements in the incorporated by reference material and increased the time for an individual to notify the department of a name and/or address change.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(10) The holder of a certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a certificate of license to teach whose name is changed by marriage or court order shall notify the department within *[thirty (30)] ninety (90)* days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a certificate of license to teach whose address has changed shall inform the department in writing of the change within *[thirty (30)] ninety (90)* days of the effective date of the change.

AUTHORITY: sections 161.092, 168.011, 168.021 and 168.071, [RSMo Supp 1999] 168.081, 168.400, 168.405 and 168.409, RSMo [1994] 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Celeste Ferguson, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—[Urban and Teacher Education] Teacher
Quality and Urban Education
Chapter 800—Teacher Certification and Professional
Conduct and Investigations

PROPOSED AMENDMENT

5 CSR 80-800.220 Application for Certificate of License to Teach for Administrators. The board proposes to amend subsections (12)(B), (12)(C), (12)(D), (20)(A), (20)(B), (23)(A), (23)(B) and the incorporated by reference material.

tions (12)(B), (12)(C), (12)(D), (20)(A), (20)(B), (23)(A), (23)(B) and the incorporated by reference material.

PURPOSE: This amendment adds an additional certificate of license to teach content area to the initial eligibility criteria for the Administrator I certificate. It clarifies the coursework requirements for renewal of the five-year certificate of the vocational director certificate, updates the certification requirements in the incorporated by reference material and increases the time for an individual to notify the department of a name and/or address change.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(12) The applicant for an administrator certificate of license to teach as a vocational director must comply with the following additional criteria:

(B) The applicant must possess a valid Missouri certificate of license to teach in the content area of secondary education, [and/or] vocational-technical and/or student services; and

(C) The applicant must possess two (2) years of full-time teaching experience at the level grade **seven (7)**-adult, as approved by the department;/ or **two (2) years of full-time experience at grade seven (7) through adult level other than teaching.**

[(D) The applicant must possess two (2) years of full-time teaching experience in practical arts or vocational-technical education.]

(20) An administrator certificate of license to teach may be issued for a vocational director for a period of five (5) years and may be renewed for an additional five (5) years. The requirements for renewal are as follows:

(A) Completion of *[the Vocational Leadership Academy]* a **planned program of graduate credit** focused upon general and vocational administration from a state-approved college or university to prepare vocational *[education]* school administrators. The *[Vocational Leadership Academy]* **planned program** shall include a **minimum of fifteen (15) hours of approved graduate credit, which meet** the competencies identified for the certificate of license to teach;

(B) *[Achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE;]* **Successful completion of the build-level administrator's assessment;**

(23) The holder of an administrator certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of an administrator certificate of license to teach whose name is changed by marriage or court order shall notify the department within *[thirty (30)] ninety (90)* days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of an administrator certificate of license to teach whose address has changed shall inform the department in writing of the change within *[thirty (30)] ninety (90)* days of the effective date of the change.

AUTHORITY: sections 161.092, 168.011, 168.021, 168.071 [RSMo Supp. 1999] 168.081, 168.400, 168.405 and 168.409, RSMo [1994] 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Celeste Ferguson, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 80—[Urban and Teacher Education] Teacher Quality and Urban Education

Chapter 800—Teacher Certification and Professional Conduct and Investigations

PROPOSED AMENDMENT

5 CSR 80-800.230 Application for a Student Services Certificate of License to Teach. The board proposes to amend subsections (19)(A), (25)(A), (25)(B) and the incorporated by reference material.

PURPOSE: This amendment clarifies the coursework requirements for renewal of the five-year certificate of the vocational adult education supervisor, updates the certification requirements in the incorporated by reference material and increases the time for an individual to notify the department of a name and/or address change.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(19) A student services certificate of license to teach may be issued for a vocational adult education supervisor, for a period of five (5) years and may be renewed once by meeting the following criteria:

(A) Completion of *[the Vocational Leadership Academy]* a **planned program of graduate credit** focused upon general and vocational administration from a state-approved college or university to prepare vocational **adult** education supervisors. The *[Vocational Leadership Academy]* **planned program** shall include a **minimum of fifteen (15) hours of approved graduate credit, which meet** the competencies identified for the certificate of license to teach;

(25) The holder of a student services certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a student services certificate of license to teach whose name is changed by marriage or court order shall notify the department within *[thirty (30)]* **ninety (90)** days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a student services certificate of license to teach whose address has changed shall inform the department in writing of the change within *[thirty (30)]* **ninety (90)** days of the effective date of the change.

AUTHORITY: sections 161.092, 168.011, 168.021, 168.071 [RSMo Supp 1999] and 168.081, RSMo [1994] **2000**. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Celeste Ferguson, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 80—[Urban and Teacher Education] Teacher Quality and Urban Education

Chapter 800—Teacher Certification and Professional Conduct and Investigations

PROPOSED AMENDMENT

5 CSR 80-800.260 [Alternative Certification and Special Assignment] Temporary Authorization Certificate of License to Teach. The board proposes to amend the Purpose, sections (1), (2), (4), (5), (6), (7), (8), (9) and the incorporated by reference material. The board is proposing to delete sections (10)–(18).

PURPOSE: This amendment changes the name and requirements for a special assignment certificate of license to teach, increases the time for an individual to notify the department of a name and/or address change and updates the certification requirements in the incorporated by reference material.

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the procedures for *[alternative certification by application for a special assignment]* a **temporary authorization** certificate of license to teach when the applicant is employed by a Missouri public school district **or accredited non-public school**.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) An applicant for a *[special assignment]* Missouri **temporary authorization** certificate of license to teach (**temporary authorization certificate**) who possesses good moral character may be granted a **temporary authorization** certificate *[of license to teach in one (1) of the areas of special assignment]* upon joint application with a Missouri public school district **or accredited nonpublic school**. The *[special assignment certificate of license to teach]* **temporary authorization certificate** is limited to the employing Missouri public school district **or accredited nonpublic school**. *[Additional certificates of license to teach*

will not be granted.] An applicant for a temporary authorization certificate may apply for only one (1) area of certification at a time.

(2) Applications for a *[special assignment]* Missouri temporary authorization certificate *[of license to teach]* shall be submitted on the forms provided by the State Board of Education and may be obtained by writing the Teacher Certification Section at the Department of Elementary and Secondary Education at P./O./J. Box 480, Jefferson City, MO 65102 or downloading from the Internet.

(4) *[The applicant must possess a baccalaureate or higher degree from an accredited college or university.] The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to the department, including information regarding any disciplinary action.*

(5) *[The applicant must possess a grade point average of 2.5 or higher on a 4.0 scale, both overall and in the major area of study.] The employing Missouri public school district or accredited nonpublic school must develop a mentoring program to provide adequate support to the holder of the temporary authorization certificate to ensure proper transition into the classroom environment.*

(6) *[Applicants must document a minimum of three (3) years of work experience in which the content of their baccalaureate or higher degree major is significantly applied in the area of special assignment. Exceptions may be made on the school district's recommendation and approved by the Department of Elementary and Secondary Education (DESE).] The applicant for a temporary authorization certificate must comply with the following criteria:*

(A) Possession of a baccalaureate or higher degree from an accredited college or university;

(B) Possession of a grade point average of 2.5 or higher on a 4.0 scale, both overall and in the major area of study;

(C) Submission of a joint application verifying contracted employment with a Missouri public school district or accredited nonpublic school;

(D) If this is the applicant's initial certificate of license to teach, documentation of a plan of an academic program of study from a state-approved teacher preparation program must be submitted. If the applicant holds an initial Missouri professional or life certificate of license to teach and is seeking an additional certificate of license to teach, a transcript analysis from the Department of Elementary and Secondary Education (DESE) based on the requirements set forth in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule must be submitted; and

(E) The temporary authorization certificate will not include administrative areas. Applicants for the areas of driver's education, English for speakers of other languages, gifted, and special reading must hold a certificate of license to teach or must also submit an academic program of study for a certificate of license to teach in a stand-alone area, as these areas cannot stand alone.

(7) *[The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to the department, including information*

regarding any disciplinary action.] The temporary authorization certificate is valid for up to one (1) school year. It may be renewed annually by joint application from the certificate holder and employing Missouri public school district or accredited nonpublic school upon demonstration of the following:

(A) Completion of nine (9)-semester hours of course work towards the professional teaching certificate of license to teach in the area of assignment. The appropriate hours will be determined by the state-approved teacher education institution if this is the applicant's initial certificate of license to teach or by DESE if it is an additional certificate of license to teach;

(B) Continued contracted employment with a Missouri public school district or accredited nonpublic school;

(C) Documentation of successful Performance Based Teacher Evaluation by the sponsoring Missouri public school district or accredited nonpublic school; and

(D) Documentation of participation in a mentoring program by the sponsoring Missouri public school district or accredited nonpublic school.

(8) *[The employing school district must develop a mentoring program to provide adequate support to the special assignment certificate of license to teach holders to ensure proper transition into the classroom environment.] The applicant shall be informed in writing of the decision regarding the application for a temporary authorization certificate.*

(9) *[The applicant for a special assignment certificate of license to teach under the five percent (5%) program must comply with the following additional criteria:] The holder of a temporary authorization certificate shall ensure that DESE has their current legal name and address.*

[(A) Submission of a joint application with a Missouri public school district whose total classroom teachers with a special assignment certificate of license to teach reported semi-annually to DESE core data does not exceed five percent (5%);

(B) The applicant must not hold, have held or be eligible to hold a certificate of license to teach;

(C) The five percent (5%) special assignment certificate of license to teach is limited to the baccalaureate major or higher degree area of study. The major area of study must be listed as an area of secondary and/or middle school education certification in the rules promulgated by the board. In addition, a five percent (5%) special assignment certificate of license to teach may be granted in art, music or foreign language, grades kindergarten through twelve (K-12), if the area was the applicant's baccalaureate or higher degree major area of study. Five percent (5%) special assignment certificates of license to teach will not be issued in early childhood education, elementary education, special education, pupil personnel services, and/or administrator; and

(D) The five percent (5%) special assignment certificate of license to teach is limited to the baccalaureate major or higher degree area of study and the original sponsoring Missouri public school district. The five percent (5%) special assignment certificate of license to teach may only be used in the original sponsoring Missouri public school district.]

(A) A holder of a temporary authorization certificate whose name is changed by marriage or court order shall notify the department within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a temporary authorization certificate whose address has changed shall inform the department in writing of

the change within ninety (90) days of the effective date of the change of address.

[(10) The five percent (5%) special assignment certificate of license to teach is valid for up to one (1) school year. The five percent (5%) special assignment certificate of license to teach may be renewed annually for a maximum total of three (3) school years by joint application from the original sponsoring Missouri public school district and the five percent (5%) certificate holder and documentation by the school district administrator that the five percent (5%) certificate holder is being mentored and progressing annually towards a professional classification certificate of license to teach in the area of assignment as set forth in the Compendium of Missouri Certification Requirements which is incorporated by reference and made part of this rule. A five percent (5%) special assignment certificate of license to teach may only be issued for a maximum of three (3) years and the holder is ineligible for consideration of another five percent (5%) special assignment certificate of license to teach.]

[(11) The applicant for a special assignment certificate of license to teach under the alternative teacher certification program must comply with the following additional criteria:

(A) Documentation of the applicant's acceptance into an Alternative Teacher Certification Program offered by Missouri colleges/universities with state-approved teacher education programs. Early childhood, elementary education and administrators will not be included in the Alternative Teacher Certification Program;

(B) Verification of the completion of a general education background satisfactory to the teacher education institution;

(C) Documentation of participation in a structured interview selected by the teacher education institution. The interview should assess the candidate's beliefs regarding the nature of teaching, the nature of students and the goals and mission of education as a profession. The interview may be utilized for screening purposes (for example, the Missouri preprofessional teacher interview) or for diagnostic and counseling purposes (for example, the selection research, incorporated preservice teacher perceiver);

(D) Documentation of a contract between the applicant and the higher education institution which has an Alternative Teacher Certification Program approved by the board. The contract should permit the applicant to enroll in course work demonstrating understanding of the following:

- 1. Adolescent development;*
- 2. The psychology of learning; and*

3. Teaching methodology in the content area. The course work must be completed prior to special assignment certification and employment; and

(E) Documentation of a four (4)-party contract with the applicant, the employing Missouri school district, the recommending teacher preparation program, and DESE upon completion of the course work outlined above.

[(12) The alternative teacher certification special assignment certificate of license to teach is valid for a period of one (1) school year and may be renewed by joint application from the original sponsoring Missouri public school district and the certificate holder and documentation by the school district administrator that the certificate holder is being mentored and progressing annually towards a professional classification certificate of license to teach in the

area of assignment as set forth in the Compendium of Missouri Certification Requirements which is incorporated by reference and made a part of this rule.

[(13) The applicant for a special assignment certificate of license to teach under the critical needs program must comply with the following additional criteria:

(A) Submission of a letter from the school district's superintendent documenting a critical need in the area of certification as approved by DESE;

(B) Documentation of a plan of an academic program of study from a state-approved teacher preparation program;

(C) Documentation of a four (4)-party contract with the applicant, the employing school district, the recommending teacher preparation program, and DESE.

[(14) The critical needs special assignment certificate of license to teach is valid for up to one (1) school year and may be renewed by joint application from the original sponsoring Missouri public school district and the certificate holder and documentation by the school district administrator that the certificate holder is being mentored and progressing annually towards a professional classification certificate of license to teach in the area of assignment as set forth in the Compendium of Missouri Certification Requirements which is incorporated by reference and made a part of this rule.

[(15) The applicant for a special assignment certificate of license to teach under the foreign exchange program must comply with the following additional criteria:

(A) Possession of a valid certificate of license to teach or similar title from a country with which DESE has a memorandum of understanding; and

(B) The applicant must obtain a criminal history and background check similar to the FBI check from the applicant's country of origin.

[(16) The foreign exchange special assignment certificate of license to teach is valid for up to one (1) school year and may be renewed pursuant to the memorandum of understanding and the criteria as set forth in the Compendium of Missouri Certification Requirements which is incorporated by reference and made a part of this rule.

[(17) The applicant shall be informed in writing of the decision regarding the application for a certificate of license to teach.

[(18) The holder of a special assignment certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a special assignment certificate of license to teach whose name is changed by marriage or court order shall notify the department within thirty (30) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a special assignment certificate of license to teach whose address has changed shall inform the department in writing of the change within thirty (30) days of the effective date of the change.]

AUTHORITY: sections 161.092, 168.011, 168.021, 168.071, RSMo Supp. 1999] and 168.081, RSMo [1994] 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Celeste Ferguson, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 80—[Urban and Teacher Education] Teacher Quality and Urban Education Chapter 800—Teacher Certification and Professional Conduct and Investigations

PROPOSED AMENDMENT

5 CSR 80-800.270 Application for a Vocational-Technical Certificate of License to Teach. The board proposes to amend subsections (9)(A), (9)(B) and the incorporated by reference material.

PURPOSE: This amendment updates the certification requirements in the incorporated by reference material and increases the time for an individual to notify the department of a name and/or address change.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(9) The holder of a vocational-technical certificate of license to teach shall ensure that the Department of Elementary and Secondary Education has their current legal name and address.

(A) A holder of a vocational-technical certificate of license to teach whose name is changed by marriage or court order shall notify the department within [thirty (30)] **ninety (90)** days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a vocational-technical certificate of license to teach whose address has changed shall inform the department in writing of the change within [thirty (30)] **ninety (90)** days of the effective date of the change.

AUTHORITY: sections 161.092, 168.011, 168.021, 168.071[, RSMo Supp. 1999] and 168.081, RSMo [1994] 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the

Missouri Department of Elementary and Secondary Education, ATTN: Dr. Celeste Ferguson, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 80—[Urban and Teacher Education] Teacher Quality and Urban Education Chapter 800—Teacher Certification and Professional Conduct and Investigations

PROPOSED AMENDMENT

5 CSR 80-800.280 Application for an Adult Education and Literacy Certificate of License to Teach. The board proposes to amend subsections (11)(A), (11)(B) and the incorporated by reference material.

PURPOSE: This amendment updates the certification requirements in the incorporated by reference material and increases the time for an individual to notify the department of a name and/or address change.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(11) The holder of an AEL certificate of license to teach shall ensure that the Department of Elementary and Secondary Education has their current legal name and address.

(A) A holder of an AEL certificate of license to teach whose name is changed by marriage or court order shall notify the adult education section of the department within [thirty (30)] **ninety (90)** days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of an AEL certificate of license to teach whose address has changed shall inform the adult education section of the department in writing of the change within [thirty (30)] **ninety (90)** days of the effective date of the change.

AUTHORITY: sections 161.092, 168.011, 168.021, 168.071[, RSMo Supp. 1999] and 168.081, RSMo [1994] 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Celeste Ferguson, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—[Urban and Teacher Education] Teacher
Quality and Urban Education
Chapter 800—Teacher Certification and Professional
Conduct and Investigations

PROPOSED AMENDMENT

5 CSR 80-800.350 Certificate of License to Teach Content Areas. The board proposes to amend subsections (2)(D), (2)(G), (2)(J), (2)(L), Appendix A and the incorporated by reference material.

PURPOSE: This amendment adds certification areas for biology, chemistry, earth science, general science, physics, changes the special assignment certificates of license to teach to temporary authorization certificates of license to teach, adds vocational-technical certificates of license to teach in business education, and updates the certification requirements in the incorporated by reference material.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(2) Certificates of license to teach are issued and renewed by the State Board of Education pursuant to the certification requirements found in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule and the rules promulgated by the board in the specialized areas as follows:

(D) Secondary education, grades 9–12 in the following areas:

1. Agricultural education;
2. Art;
3. Business education;
- [4.] **Business education except shorthand;**
- [5.] **4. English;**
- [6.] **5. Family and consumer sciences;**
- [7.] **6. Health;**
- [8.] **7. Industrial technology;**
- [9.] **8. Journalism;**
- [10.] **9. Mathematics;**
- [11.] **10. Physical education;**
- 11. Science: biology;**
- 12. Science: chemistry;**
- 13. Science: earth science;**
- 14. Science: general science;**
- 15. Science: physics;**
- [12.] **16. Social science;**
- [13.] **17. Speech/theatre;**
- [14.] **18. Unified science: biology;**
- [15.] **19. Unified science: chemistry;**
- [16.] **20. Unified science: earth science;**
- [17.] **21. Unified science: physics; and/or**
- [18.] **22. Vocational family and consumer science;**

(G) Other certification areas may be added to a certificate of license to teach except for *[occupational vocational] vocational-technical*, adult education and literacy, *[special assignment] temporary authorization* and/or substitute certificates of license to teach in one (1) or more of the following areas:

1. Art, grades K–9;
2. Driver education, grades 9–12;
3. English for speakers of other languages, grades K–12;

4. Family resource specialist, birth–grade 3;
5. Foreign language, grades K–9;
6. Gifted education, grades K–12;
7. Health, grades K–9; and/or
8. Special reading, grades K–12;

(J) Vocational-technical certificates of license to teach may be issued in one (1) or more of the following areas (see Appendix A which is *[incorporated by reference and made a part of this rule]* **included herein**):

1. Agriculture;
2. Business;
3. Family and consumer science;
4. Health science;
5. Junior Reserve Officers Training Corps (ROTC);
6. Marketing and cooperative education; and/or
7. Trade and industrial (T&I);

(L) *[Special assignment]* **Temporary authorization** certificates of license to teach; and/or

Appendix A—Vocational-Technical Certificates

Agricultural Education

01.0000	Agricultural Education
01.0101	Agricultural Business
01.0201	Agricultural Mechanics
01.0301	Agricultural Production
01.0401	Agricultural Processing
01.0501	Agricultural Services/Supplies
01.0601	Horticulture
03.0101	Agricultural Resources
03.0401	Forestry

Business Education

52.0302	Accounting
52.0407	Information Processing
52.0407	Network Administration
52.0408	General Office
52.1202	Computer Programming
<i>[80.009513</i>	<i>Vocational Business Education]</i>
<i>[80.009514</i>	<i>Business Education without shorthand]</i>
80.000015	Business Education with Coop

Family and Consumer Sciences Education

20.0201	Child Care and Guidance Workers and Managers
20.0301	Clothing, Apparel and Textile Workers and Managers
20.0401	Institutional Food Workers and Administrators-Dietetic Technology
20.0501	Home Furnishings and Equipment Installers and Consultants
<i>/02/20.0601</i>	<i>Custodial, Housekeeping and Home Services Workers and Managers</i>
20.9999	Vocational Family and Consumer Sciences

Health Sciences

12.0301*	Funeral Service and Mortuary Science
51.0000*	Health Occupations Coop
51.0205*	Sign Language Interpreter
51.0601*	Dental Assistant
51.0602*	Dental Hygienist
51.0603	Dental Laboratory Technician
51.0699	Dental Services, Other
51.0703	Health Unit Coordinator/Ward Clerk
51.0707*	Medical Record Technology/Technician (Health Information Technology)
51.0708*	Medical Transcription
51.0801*	Medical Assistant

51.0802*	Medical Laboratory Assistant	15.0601	Chemical Manufacturing Technology
51.0803*	Occupational Therapy Assistant	15.0603	Industrial/Manufacturing Technology/ Technician
51.0805*	Pharmacy Technician/Assistant		
51.0806*	Physical Therapy Assistant	15.0604	Manufacturing Technology
51.0808	Veterinarian Assistant/Animal Health Technician	15.0699	Industrial Production Technologies/Techni- cians, Other
51.0899	Health and Medical Assistants, Other	15.0701	Occupational Safety and Health Technology/ Technician
51.0904*	Emergency Medical Technology/Technician		
51.0907*	Medical Radiologic Technology/Technician	15.0702	Quality Control Technology/Technician
51.0908*	Respiratory Therapy Technician	15.0799	Quality Control and Safety Technologies/ Technicians, Other
51.0909*	Surgical/Operating Room Technology		
51.0910*	Diagnostic Medical Sonography Technician	15.0801	Aeronautical Technology
51.1004*	Medical Laboratory Technician	15.0803	Automotive Engineering Technology/ Technician
51.1501*	Alcohol/Drug Abuse Counseling		
51.1502*	Psychiatric/Mental Health Services Technician	15.0805	Mechanical Engineering/Mechanical Technol- ogy/Technician
51.1599	Medical Health Services, Other		
51.1601*	Registered Nursing (RN Training)	15.1001	Construction/Building Technology/Technician
51.1613*	Licensed Practical Nursing (LPN Training)	20.0309	Drycleaner and Launderer (Commercial)
51.1614*	Nursing Assistant/Aide	23.1101	English Technical and Business Writing
51.1615*	Home Health Aide	27.0301	Applied Mathematics, General
51.1699*	Nursing, Other	41.0301	Chemical Technology/Technical
51.2601*	Health Aide (Health Services Assistant)	43.0107	Law Enforcement/Police Science
51.9999	Health Professions and Related Sciences, Other	43.0201	Fire Protection and Safety Technology/ Technician
		43.0203	Fire Science/Firefighting
Marketing & Cooperative Education		46.0101	Mason and Tile Setter
04.0000	Marketing Education	46.0201	Carpenter
	Post-Secondary Marketing	46.0301	Electrical and Power Transmission Installer, General
03.0000	Cooperative Occupational Education		
05.0000	Cooperative Industrial Education	46.0302	Electrician
	Trade and Industrial Education	46.0303	Lineworker
10.0101	Educational/Instructional Media Technology/ Technician	46.0399	Electrical and Power Transmission Installer, Other
10.0104	Radio and Television Broadcasting Technol- ogy/Technician	46.0401	Building/Property Maintenance and Manager
12.0403*	Cosmetologist	46.0403	Construction/Building Inspector
12.0499	Cosmetic Services, Other	46.0408	Painter and Wall Coverer
12.0501	Baker/Pastry Chef	46.0499	Construction and Building Finishers and Managers, Other
12.0503	Culinary Arts	46.0501	Plumber and Pipefitter
12.0504	Food and Beverage/Restaurant Operations Manager	46.9999	Construction Trades, Other
12.0599	Culinary Arts and Related Services, Other	47.0101	Electrical and Electronics Equipment Installer and Repairer, General
15.0101	Architectural Engineering Technology/Techni- cian	47.0102	Business Machine Repairer
15.0201	Civil Engineering/Civil Technology/Techni- cian	47.0103	Communications Systems Installer and Repairer
15.0301	Computer Engineering Technology/Techni- cian	47.0104	Computer Installer and Repairer
15.0303	Electrical, Electronic and Communications Engineering Technology/Technician	47.0105	Industrial Electronics Installer and Repairer
15.0304	Laser and Optical Technology/Technician	47.0106	Major Appliance Installer and Repairer
15.0399	Electrical and Electronic Engineering-Related Technologies/Technicians, Other	47.0199	Electrical and Electronics Equipment Installer and Repairer, Other
15.0401	Biomedical Engineering-Related Technology/ Technician	47.0201	Heating, Air Conditioning and Refrigeration Mechanic and Repairer
15.0402	Computer Maintenance Technology/Techni- cian	47.0302	Heavy Equipment Maintenance and Repairer
15.0403	Electromechanical Technology/Technician	47.0303	Industrial Machinery Maintenance and Repairer
15.0404	Instrumentation Technology/Technician	47.0399	Industrial Equipment Maintenance and Repairer, Other
15.0405	Robotics Technology/Technician	47.0501	Stationary Energy Sources Installer and Operator
15.0499	Electromechanical Instrumentation and Main- tenance Technologies/Technicians, Other	47.0603	Auto/Automotive Body Repairer
15.0501	Heating, Air Conditioning and Refrigeration Technology/Technician	47.0604	Auto/Automotive Mechanic/Technician
15.0506	Water Quality and Wastewater Treatment Technology/Technician	47.0605	Diesel Engine Mechanic and Repairer
15.0599	Environmental Control Technologies/ Technicians, Other	47.0606	Small Engine Mechanic and Repairer
		47.0607*	Aircraft Mechanic/Technician, Airframe
		47.0608*	Aircraft Mechanic/Technician, Powerplant
		47.0609*	Aviation Systems and Avionics Maintenance Technologist/Technician
		47.0611	Motorcycle Mechanic and Repairer

47.0699	Vehicle and Mobile Equipment Mechanics and Repairer, Other
48.0101	Drafting, General
48.0102	Architectural Drafting
48.0103	Civil/Structural Drafting
48.0104	Electrical/Electronics Drafting
48.0105	Mechanical Drafting
48.0199	Drafting, Other
48.0201	Graphic and Printing Equipment Operator, General
48.0205	Mechanical Typesetter and Composer
48.0206	Lithographer and Platemaker
48.0208	Printing Press Operator
48.0211	Computer Typography and Composition Equipment Operator
48.0212	Desktop Publishing Equipment Operator
48.0299	Graphic and Printing Equipment Operator, Other
48.0303	Upholsterer
48.0501	Machinist/Machine Technologist
48.0503	Machine Shop Assistant
48.0506	Sheet Metal Worker
48.0507	Tool and Die Maker/Technologist
48.0508	Welder/Welding Technologist
48.0599	Metal Fabrication
48.0701	Woodworkers, General
48.0702	Furniture Designer and Maker
48.0703	Cabinet Maker and Millworker
48.0799	Woodworkers, Other
49.0202	Construction Equipment Operator
49.0205	Truck, Bus and Other Commercial Vehicle Operator
49.0299	Vehicle and Equipment Operators, Other
49.0306	Marine Maintenance and Ship Repairer
50.0201	Crafts, Folk Art and Artisanry
50.0402	Graphic Design, Commercial Art and Illustration
50.0404	Industrial Design
50.0406	Commercial Photography
50.0605	Photography
06.2002	Trade and Industrial Internship

* Requires Professional Licensing

AUTHORITY: sections 161.092, 168.011, 168.021, 168.071, [RSMo Supp. 1999] 168.081, 168.400 and 168.405, RSMo [1994] 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Celeste Ferguson, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 80—[Urban and Teacher Education] Teacher Quality and Urban Education
Chapter 800—Teacher Certification and Professional Conduct and Investigations

PROPOSED AMENDMENT

5 CSR 80-800.360 Certificate of License to Teach Classifications. The board proposes to amend sections (15) and (19) and the incorporated by reference material.

PURPOSE: This amendment changes titles of the special assignment and pupil personnel services certificates of license to teach to temporary authorization and student services certificates of license to teach and updates the certification requirements in the incorporated by reference material.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(15) [Pupil personnel] **Student** services certificates of license to teach may be issued to an individual for five (5) or ten (10) years and may be renewed pursuant to the requirements found in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule and the rules promulgated by the board.

(19) [Special assignment] **Temporary authorization** certificates of license to teach may be issued to an individual for one (1) year and may be renewed pursuant to the requirements found in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule and the rules promulgated by the board.

AUTHORITY: sections 161.092, 168.011, 168.021, 168.071, [RSMo Supp. 1999] 168.081, 168.400, 168.405 and 168.409, RSMo [1994] 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Celeste Ferguson, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 80—[Urban and Teacher Education] Teacher Quality and Urban Education
Chapter 800—Teacher Certification and Professional Conduct and Investigations

PROPOSED AMENDMENT

5 CSR 80-800.380 Required Assessments for Professional Education Certification in Missouri. The board proposes to amend section (2), subsection (1)(A), Appendix A and the incorporated by reference material.

PURPOSE: This amendment updates the certification and assessment requirements in the body of the rule and the incorporated by reference material.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) Each applicant seeking a Missouri certificate of license to teach will successfully complete an exit assessment to measure the applicant's competency in subject matter, pedagogical knowledge, or both, prior to being granted the certificate.

(A) The State Board of Education (board) has selected the Praxis II: Content Knowledge or Specialty Area *[Tests]* **assessments** and the Principles of Learning and Teaching *[Tests]* **assessments** developed by the Educational Testing Service (ETS) as the exit assessments for certificates of license to teach. *[The Principles of Learning and Teaching Test has been selected only for the area(s) of certification for which no content knowledge or specialty area test has been designated, except in the areas of special education (see Appendix A, which is incorporated by reference and made a part of this rule).]* Qualifying scores are established by the board and published by ETS for each *[test]* **assessment** designated for an area of certification.

1. Applicants seeking initial certificates of license to teach must *[take]* **complete and achieve a Missouri qualifying score in** the content knowledge or specialty area *[test]* **assessment** in their major area of preparation or the appropriate principles of learning and teaching *[test]* **assessment** if no content knowledge or specialty area *[test]* **assessment** is designated, except in the areas of special education *[where the special education test is required for initial certification]*, **student services, and administration** (see Appendix A, which is included herein).

2. Applicants for a Missouri certificate of license to teach, having a valid certificate of license to teach in the same or a closely aligned area of certification from another state, having taken that state's required subject or specialty area assessment(s) for that certification and achieved that state's passing score(s), and having at least two **(2)** years of full-time professional experience in education in the area for which they are seeking Missouri certification, shall not be required to take the designated assessment(s) in Missouri in order to receive the Missouri certificate of license to teach. If no subject or specialty area assessment is required in the state from which the applicant holds a valid certificate of license to teach, the applicant shall successfully complete the assessment(s) designated by the board in order to receive the Missouri certificate of license to teach.

3. Applicants **holding a valid Missouri professional or life certificate of license to teach in a content area who are seeking additional certificate(s) of license to teach in other content areas, will receive the additional certificate(s) upon meeting either of the following conditions:**

A. *[May take the appropriate]* **Complete and achieve a Missouri qualifying score for the Praxis II content knowledge or specialty area *[test(s) for certification]* assessment designated for the certificate of license to teach, except *[in]* for the areas of unified science, special education other than mild/moderate cross-**

category disabilities, student services, administration, vocational-technical, and adult education and literacy; or

B. *[Must meet]* **Successfully complete** the applicable certification *[standards]* **requirements** as set forth in the *Compendium of Missouri Certification Requirements*, which is incorporated by reference and made a part of this rule.

[4. Beginning September 1, 2004, applicants for a Missouri certificate of license to teach will take the designated Praxis II content knowledge or specialty area test for each area of certification and achieve a qualifying score on each respective test.]

(2) Applicants seeking a certificate of license to teach *[and/or endorsement]* in a vocational-technical area, adult education and literacy, substitute and/or *[special assignment]* **temporary authorization** certificate of license to teach may not be required to take an exit assessment *[for the certificate or endorsement]* prior to the issuance of the certificate of license to teach.

APPENDIX A
ASSESSMENTS DESIGNATED FOR CERTIFICATION IN MISSOURI

The Praxis® assessments listed below have been designated by the State Board of Education to fulfill the assessment requirement for certification in Missouri. The assessments are listed beside the certificates to which they correspond.

Missouri Certificate of License to Teach	Test Code	Designated Assessment
Early Childhood Special Education, Birth–Grade 3	[10020/10690]	[Early Childhood Education] Special Education: Preschool
Early Childhood <i>[Special]</i> Education, Birth–Grade 3	10020	Early Childhood Education
Elementary Education, Grades 1–6	10011	Elementary Education: Curriculum, Instruction, and Assessment
Middle School Education, Grades 5–9	—	—
Language Arts	10049	MS English–Language Arts: Content Knowledge
Mathematics	20069	MS Mathematics: Content Knowledge
Science	10439	MS Science: Content Knowledge
Social <i>[Studies]</i> Science	20089	MS Social Studies: Content Knowledge
Other Middle School <i>[Endorsements]</i> Subject Areas	30523	Principles of Learning and Teaching, Grades 5–9
Secondary Education, Grades 9–12 (except as noted)	—	—
Agriculture	10700	Agriculture
Art K–12, 9–12	10133	Art: Content Knowledge
Business Education	10100	Business Education
English	10041	English Language, Literature and Composition: Content Knowledge
Family and Consumer Science (Vocational and Non-Vocational)	10120	Home Economics Education
Foreign Language:		
French K–12	[10170/20173]	French: Content Knowledge
German K–12	20181	German: Content Knowledge
Spanish K–12	10191	Spanish: Content Knowledge
Health K–12, 9–12	20550	Health Education
Industrial Technology	10050	Technology Education
Library Media Specialist K–12	10310	Library Media Specialist
Marketing and Distributive Education	10560	Marketing Education
Mathematics	10061	Mathematics: Content Knowledge
Music (Instrumental, Vocal) K–12	10113	Music: Content Knowledge
Physical Education K–9, K–12, 9–12	10091	Physical Education: Content Knowledge
Science:		
Biology	20231	Biology: Content Knowledge, Part I
Chemistry	20241	Chemistry: Content Knowledge
Earth Science	20571	Earth Science: Content Knowledge
Physics	10261	Physics: Content Knowledge
Social Science	10081	Social Studies: Content Knowledge
<i>[Spanish K–12]</i>	<i>10191</i>	<i>Spanish: Content Knowledge</i>
Special Education K–12 ¹	10350	Special Education
<i>[Initial certification in all areas of special education; Additional certification by test only in area of Mild/Moderate Disability: Cross-Categorical]</i>		
Mild-Moderate Disabilities, Blind/Partially Sighted, Hearing Impaired, Severely Developmentally Disabled		
Speech/Theater	10220	Speech Communication
Speech and Language Specialist K–12: ³	20330	Speech–Language Pathology
Unified Science: ²	—	—
Biology	20231	Biology: Content Knowledge, Part I
Chemistry	20241	Chemistry: Content Knowledge
Earth Science	20571	Earth Science: Content Knowledge
Physics	10261	Physics: Content Knowledge
K–12 or 9–12 teaching certification for which no specialty area <i>[test]</i> assessment or content knowledge <i>[test]</i> assessment is designated.	30524	Principles of Learning and Teaching, Grades 7–12
School Counselor K–8, 7–12³	20420	School Guidance and Counseling
Building-Level Administrator ³	11010	School Leaders Licensure Assessment (SLLA)
Principal K–8, 9–12		
Special Education Administrator K–12		
Vocational School Director		
District-Level Administrator (Superintendent) K–12 ³	11020	School Superintendent Assessment (SSA)

1. Additional certification by completion of the designated assessment only is limited to Mild-Moderate Disabilities: Cross-Categorical.
2. Not available by completion of the designated assessment only; also requires completion of a program of study for the unified science core with the area of specialization from a state-approved institution.
3. Not available by completion of the designated assessment only; also requires completion of a program of study and a recommendation from a state-approved institution.

AUTHORITY: sections 161.092, 168.011, 168.021, 168.071, [RSMo Supp. 1999] 168.081, 168.400, 168.405 and 168.409, RSMo [1994] 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education. ATTN: Dr. Mike Lucas, Director of Teacher Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.020 Finance Charges. This rule interpreted the sales tax law as it applied to finance charges and interpreted and applied sections 144.010 and 144.020, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-8 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.022 Cash and Trade Discounts. This rule interpreted the sales tax law as it applied to cash and trade discounts, and interpreted and applied section 144.010, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-8A was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.023 Rebates. This rule clarified the sales tax obligation as it applied to the purchase of motor vehicles with rebates.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. Original rule filed Jan. 10, 1986, effective April 25, 1986. Emergency amendment filed Aug. 18, 1994, effective Aug. 21, 1994, expired Dec. 25, 1994. Emergency amendment filed Dec. 9, 1994, effective Dec. 26, 1994, expired April 24, 1995. Amended: Filed Aug. 18, 1994, effective Feb. 26, 1995. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.024 Returned Goods. This rule interpreted the sales tax law as it applied to returned goods and interpreted and applied sections 144.010 and 144.025, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-9 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO

Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.060 Memorial Stones. This rule interpreted the sales tax law as it applied to sellers of memorial stones and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 83 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-26 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Rescinded: March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.066 Delivery, Freight and Transportation Charges—Sales Tax. This rule interpreted the sales tax law as it applied to delivery, freight and transportation charges and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-29 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded and readopted: Filed Oct. 1, 1993, effective May 9, 1994. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.076 Used Car Dealers. This rule interpreted the sales tax law as it applied to used car dealers and interpreted and applied sections 144.010 and 144.030, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-33A was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.086 Bookbinders, Papercutters, Etc. This rule interpreted the sales tax law as it applied to bookbinders, papercutters and other such persons, and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 73 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-37A was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.092 Painters. This rule interpreted the sales tax law as it applied to painters and interprets and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 53 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-39 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax
PROPOSED RESCISSION

12 CSR 10-3.094 Interior or Exterior Decorators. This rule interpreted the sales tax law as it applied to interior and exterior decorators, and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 53 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-40 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax
PROPOSED RESCISSION

12 CSR 10-3.096 Janitorial Services. This rule interpreted the sales tax law as it applied to janitorial services and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-41 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax
PROPOSED RESCISSION

12 CSR 10-3.100 Barber and Beauty Shops. This rule interpreted the sales tax law as it applied to barber and beauty shops, and interpreted and applied sections 144.010 and 144.030, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 75 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-43 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax
PROPOSED RESCISSION

12 CSR 10-3.122 Consideration Other Than Money, Except for Trade-Ins. This rule interpreted the sales tax law as it applied to consideration other than money, except for trade-ins, and interpreted and applied section 144.010, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 16 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-54 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.128 Salvage Companies. This rule interpreted the sales tax law as it applied to salvage companies and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-57 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.136 Consideration Other Than Money. This rule interpreted the sales tax law as it applied to consideration other than money and interpreted and applied section 144.010, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 16 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-61 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.138 Consideration Less Than Fair Market Value. This rule interpreted the sales tax law as it applied to consideration less than fair market value and interpreted and applied section 144.300, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-62 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.160 Funeral Receipts. This rule interpreted the sales tax law as it applied to funeral receipts and interpreted and applied section 144.010, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 82 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-75 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.164 Installment Sales and Repossessions. This rule interpreted the sales tax law as it applied to installment sales and repossessions, and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 37 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-77 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed March 12, 1986, effective Aug. 25, 1986. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.174 Stolen or Destroyed Property. This rule interpreted the sales tax law as it applied to stolen or destroyed property and interpreted and applied section 144.010, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-81A was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.200 Wrapping Materials. This rule interpreted the sales tax law as it applied to wrapping materials and interpreted and applied section 144.011, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 34. S.T. regulation 011-3 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Oct. 15, 1985, effective Jan. 26, 1986. Amended: Filed July 14, 1986, effective Nov. 28, 1986. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.202 Pallets. This rule interpreted the sales tax law as it applied to pallets and interpreted and applied section 144.010, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 4. S.T. regulation 011-4 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.206 Bottle Caps and Crowns. This rule interpreted the sales tax law as it applied to sales of crowns and caps, and interpreted and applied section 144.011, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 34. S.T. regulation 011-6 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.208 Crates and Cartons. This rule interpreted the sales tax law as it applied to the sale of crates and cartons, and interpreted and applied sections 144.010 and 144.011, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 34. S.T. regulation 011-7 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.244 Trade-Ins. This rule interpreted the sales tax law as it applied to trade-in property on which tax previously has been paid and interpreted and applied section 144.025, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: sections 144.025 and 144.270, RSMo 1994. This rule was previously filed as rule no. 36 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 025-1 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Feb. 3, 1984, effective May 11, 1984. Amended: Filed Nov. 28, 1994, effective May 28, 1995. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.452 Mailing of Returns. This rule provided instructions as to the mailing of sales tax returns and interpreted and applied sections 144.021 and 144.100, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 080-2 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.454 No Return, No Excuse—Return Required Even if No Sales Made. This rule outlined the responsibility of the taxpayer for filing sales/use tax returns and interpreted and applied sections 144.080 and 144.100, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 080-2A was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.456 Calendar Quarter Defined. This rule defined calendar quarter for purposes of the sales tax law.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 080-3 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.460 Return Required. This rule interpreted the sales tax law as it applied to sales tax return filing requirements.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 080-5 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Emergency amendment filed Dec. 15, 1999, effective Jan. 1, 2000, expired June 28, 2000. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.462 Annual Filing. This rule interpreted the sales tax law as it applied to the annual filing of sales tax returns.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 080-6 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.464 Tax Includes. This rule interpreted the sales tax law as it applied to sales tax deemed to be included in gross receipts.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 080-7 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled

March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.494 Allowance for Defective Merchandise. This rule interpreted the sales tax law as it applied to an allowance for defective merchandise.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 130-2 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.890 Area Betterment, Tourism or Marketing Program Fees To Be Included As Taxable Gross Receipts. This rule interpreted and applied section 144.010.1(3), RSMo as it applied to fees or charges for area betterment, tourism or marketing programs.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. Original rule filed Oct. 30, 1992, effective June 7, 1993. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 4—State Use Tax**

PROPOSED RESCISSION

12 CSR 10-4.270 Allowance for Defective Merchandise. This rule indicated to what extent an allowance for defective merchandise will affect state use taxes and interpreted and applied section 144.610, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.705, RSMo 1994. U.T. regulation 695-4 originally filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 5—City Sales Tax, Transportation Sales Tax
and Public Mass Transportation Tax**

PROPOSED RESCISSION

12 CSR 10-5.005 Date of Delivery Determines Applicability. This rule indicated the delivery date was controlling in determining applicability of city sales tax.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 94.530, RSMo 1986. C.S.T. regulation 510-1 originally filed Oct. 8, 1975, effective Nov. 7, 1975. Refiled Dec. 31, 1975, effective Jan. 10, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE

Division 10—Director of Revenue

Chapter 5—City Sales Tax, Transportation Sales Tax and Public Mass Transportation Tax

PROPOSED RESCISSION

12 CSR 10-5.025 Location of Machine Determines. This rule provided that the location of vending machines determined the applicability of city sales tax.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 94.530, RSMo 1986. C.S.T. regulation 520-1A originally filed Dec. 31, 1975, effective Jan. 10, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE

Division 10—Director of Revenue

Chapter 5—City Sales Tax, Transportation Sales Tax and Public Mass Transportation Tax

PROPOSED RESCISSION

12 CSR 10-5.505 Date of Delivery Determines Applicability. This rule indicated that date of delivery was the determining factor in the applicability of the transportation sales tax.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 94.615, RSMo 1986. T.T. regulation 605-1 originally filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled Dec. 31, 1975, effective Jan. 10, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE

Division 10—Director of Revenue

Chapter 5—City Sales Tax, Transportation Sales Tax and Public Mass Transportation Tax

PROPOSED RESCISSION

12 CSR 10-5.515 Layaways. This rule indicated the date of delivery of layaways is controlling in determining applicability of transportation sales tax and interpreted and applied section 94.615, RSMo 1986.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 94.615, RSMo 1986. T.T. regulation 605-2 filed as C.S.T. regulation 510-1A Dec. 31, 1975, effective Jan. 10, 1976. Made applicable by statute and T.T. regulation 615-1 last filed Dec. 31, 1975, effective Jan. 10, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES

Division 70—Division of Medical Services

Chapter 4—Conditions of Recipient Participation, Rights and Responsibilities

PROPOSED AMENDMENT

13 CSR 70-4.090 Uninsured Parents' Health Insurance Program. The division is amending subsection (6)(Q).

PURPOSE: This proposed amendment to subsection (6)(Q) will eliminate the 30 inpatient/20 outpatient visit restriction for mental health and substance abuse services.

(6) The following services are covered for beneficiaries of the Uninsured Parents' Health Insurance Program if they are medically necessary:

(Q) Mental health and substance abuse services; /, subject to limitation of thirty (30) inpatient days and twenty (20) outpatient visits. One (1) inpatient day may be traded for two (2) outpatient visits;]

AUTHORITY: sections 208.040, [and] 208.201, RSMo 1994 and 660.017, RSMo [Supp. 1998] 2000. Emergency rule filed Sept. 13, 1999, effective Sept. 23, 1999, terminated Oct. 15,

*1999. Original rule filed Aug. 16, 1999, effective March 30, 2000.
Amended: Filed March 29, 2001.*

PUBLIC COST: This proposed amendment will cost the state agency approximately \$539,356 in the aggregate. A detailed fiscal note, which estimates the cost of the amendment, has been filed with the secretary of state.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC ENTITY COST**I. RULE NUMBER**Title: 13 - Department of Social ServicesDivision: 70 - Division of Medical ServicesChapter: 4 - Conditions of Recipient Participation, Rights and ResponsibilitiesType of Rulemaking: Proposed AmendmentRule Number and Name: 13 CSR 70-4.090 (6) (Q) Uninsured Parents' Health Insurance Program**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Annual Estimated Cost of Compliance in the Aggregate for the life of the amendment
DSS/DMS	\$519,111 adjusted annually for inflation
	SFY 2001 \$539,356
	SFY 2002 \$560,391

III. WORKSHEET

The Division of Medical Services administers a managed care program, known as MC+, which contracts with health maintenance organizations (HMOs) for the purpose of providing health care services through capitated rates. A small population of adults covered under the 1115 waiver and served by the MC+ plans will be subject to the provisions of HB 191, Mental Health and Chemical Dependency Insurance Act.

Mental health and substance abuse services for these 1115 waiver adults are subject to a limitation of 30 inpatient days and 20 outpatient visits. One inpatient day may be traded for two outpatient visits. The legislation (HB 191) states that mental illness benefits provided be subject to the same annual maximums as apply to physical illness benefits. DMS estimates a one (1) percent increase in capitation payments to drop the limitations on mental health and substance abuse services as follows:

Estimated 1115 Waiver Adult Population in MC : plans =	38,439
Average Capitated Payment (Per Member per Month)	<u>x \$112.54</u>
	\$51,911,101

1% increase = \$519,111

FY01 impact -- \$539,356 (adjusted for medical care inflation of 3.9%)

FY02 impact -- \$560,391 (adjusted for medical care inflation of 3.9%)

Note: This information is taken from Fiscal Note, 178-07 for HB 191 (1999). These funds have already been appropriated in HB 1111 for State Fiscal Year 2001. Some of the 1115 waiver population receive services via fee-for-service providers but there are no additional costs estimated for this population because a Medicaid claims search (ADHOC report) to identify how many individuals had possibly met the 30/20 limitation yielded no results.

IV. ASSUMPTIONS

The above worksheet outlines the agency's assumptions, references and methods of acquiring information that lead to the conclusion of the approximate cost of this proposed amendment.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program

PROPOSED AMENDMENT

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology. The division is amending section (15).

PURPOSE: The proposed amendment to section (15) provides for using either a third or fourth base year cost report that is the most representative of costs for first tier hospitals.

(15) Direct Medicaid Payments.

(B) Direct Medicaid payment will be computed as follows:

1. The Medicaid share of the FRA assessment will be calculated by dividing the hospital's Medicaid patient days by total hospital's patient days to arrive at the Medicaid utilization percentage. This percentage is then multiplied by the FRA assessment for the current SFY to arrive at the increased allowable Medicaid costs;

2. The unreimbursed Medicaid costs are determined by subtracting the hospital's per-diem rate from its trended per-diem costs. The difference is multiplied by the estimated Medicaid patient days for the current SFY.

A. The trended cost per day is calculated by trending the base year operating costs per day by the trend indices listed in paragraph (3)(B)1., using the rate calculation in subsection (3)(A).

B. For hospitals that meet the requirements in paragraphs (6)(A)1., (6)(A)2. and (6)(A)4. of this rule (safety net hospitals), the base year cost report may be from the third prior year, the fourth prior year, or the fifth prior year, *based on the determination of the Division of Medical Services exercising its sole discretion as to which report is most representative of costs incurred*. For hospitals that meet the requirements in paragraphs (6)(A)1. and (6)(A)3. of this rule (first tier Disproportionate Share Hospitals), the base year operating costs *[shall be based on]* **may be the third or fourth prior year cost report. The Division of Medical Services shall exercise its sole discretion as to which report is most representative of costs.** For all other hospitals, the base year operating costs are based on the fourth prior year cost report. For any hospital that has both a twelve month cost report and a partial year cost report, its base period cost report for that year will be the twelve month cost report.

C. The trended cost per day does not include the costs associated with the FRA assessment, the application of minimum utilization, the utilization adjustment and the poison control costs computed in paragraphs (15)(B)1., 3., 4., and 5.;

3. The minimum utilization costs for capital and medical education is calculated by determining the difference in the hospital's cost per day when applying the minimum utilization as identified in paragraph (5)(C)4., and without applying the minimum utilization. The difference in the cost per day is multiplied by the estimated Medicaid patient days for the SFY;

4. The utilization adjustment cost is determined by estimating the number of Medicaid inpatient days the hospital will not provide as a result of the MC+ Health Plans limiting inpatient hospital services. These days are multiplied by the hospital's cost per day to determine the total cost associated with these days. This cost is divided by the remaining total patient days from its base period cost report to arrive at the increased cost per day. This increased cost per day is multiplied by the estimated Medicaid days for the current SFY to arrive at the Medicaid utilization adjustment; and

5. The poison control cost shall reimburse the hospital for the prorated Medicaid managed care cost. It will be calculated by multiplying the estimated Medicaid share of the poison control costs by the percentage of MC+ recipients to total Medicaid recipients.

AUTHORITY: sections 208.152, 208.153, 208.201 and 208.471, RSMo [1994] 2000. This rule was previously filed as 13 CSR 40-81.050. Original rule filed Feb. 13, 1969, effective Feb. 23, 1969. For intervening history, please consult the Code of State Regulations. Emergency amendment filed April 9, 2001, effective April 19, 2001, expires Oct. 15, 2001. Amended: Filed April 9, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program

PROPOSED RULE

13 CSR 70-15.150 Enhancement Pools

PURPOSE: This rule creates enhancement pools to increase reimbursement to government-owned hospitals and all hospitals, in an amount not to exceed the Medicare upper limit payment for the Medicaid program.

(1) Medicaid Enhancement Pools. Each participating government owned or operated hospital may be paid a one-time per year payment from an enhancement pool that shall be calculated at a percentage to be specified by the department of the aggregate difference between the Medicare Upper Limit and the per-diem reimbursement for all Medicaid hospitals for services covered by the Missouri Medicaid program.

(A) The aggregate difference between the Medicare Upper Limit and the per-diem reimbursement for all Medicaid hospitals will be calculated as follows. The per-diem Medicaid rates used in the calculation will be those being paid at the time of the calculation. The Medicare upper limit calculation will be based on the uniform cost report for the third previous rate year, trended forward (for example, calculation for state fiscal year 2001 would be based on hospital cost reports ending during calendar year 1998, trended forward). The difference for each facility will then be multiplied by the Medicaid days at that particular hospital. The product of all calculations shall then be added together with the resulting sum comprising the aggregate difference between the Medicare upper limit and the per-diem Medicaid reimbursement for all facilities.

(B) The enhancement payment shall be distributed to participating governmental hospitals based on their pro-rata share of Medicaid patient days.

(C) A participating government owned or operated hospital is one that has entered into an intergovernmental funds transfer agreement with the department.

(2) All Medicaid enrolled hospitals may participate in distributions from a second pool that shall be calculated at a percentage to be specified by the department of the aggregate difference between the Medicare Upper Limit and per-diem reimbursement for all

Medicaid enrolled hospitals for services covered by the Missouri Medicaid program, as defined above. The second pool shall be distributed annually as a one-time payment, made in addition to per-diem payments, to all Medicaid enrolled hospitals based on their pro-rata share of Medicaid days.

AUTHORITY: sections 208.153, 208.159 and 208.201, RSMo 2000. Emergency rule filed April 9, 2001, effective April 19, 2001, expires Oct. 15, 2001. Original rule filed April 9, 2001.

PUBLIC COST: This proposed rule is estimated to cost state agencies \$17,463,062 in SFY 2001 and \$20,955,674 in SFY 2002 in the aggregate.

PRIVATE COST: This proposed rule is not estimated cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, Division of Medical Services, Director of Medicaid, PO Box 6500, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. If to be hand-delivered, comments must be brought to the Office of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC ENTITY COST**I. RULE NUMBER**

Title: 13 Department of Social Services

Division: 70 Division of Medical Services

Chapter: 15 Hospital Program

Type of Rulemaking: Proposed Rule

Rule Number and Name: 13 CSR 70-15.010 - Enhancement Pool

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services, Division of Medical Services	\$17,463,062 (Fiscal Year 2001)
Department of Social Services, Division of Medical Services	\$20,955,674 (Fiscal Year 2002)

III. WORKSHEET**IV. ASSUMPTIONS**

This program of intergovernmental transfers will only be available for the next two fiscal years. The State is taking advantage of the \$20,955,674 difference between the maximum allowable federal participation in the hospital program and what the State of Missouri is paying.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 80—Family Care Safety Registry**

PROPOSED RULE

19 CSR 30-80.010 Definitions

PURPOSE: This rule provides definitions to be used in the interpretation and enforcement of 19 CSR 30-80.010 through 19 CSR 30-80.040.

(1) "Access line," toll-free telephone service established and maintained by the department in accordance with section 210.918, RSMo for the purpose of promoting family and community safety by allowing access to certain information recorded in the Family Care Safety Registry, as provided in section 210.921, RSMo.

(2) "Agency of record," the state agency that has program control over maintaining or updating one or more of the sources of background information listed in section 210.909, subsection 1, subdivisions (1) through (5), RSMo.

(3) "Department," the Missouri Department of Health.

(4) "Family Care Safety Registry workers," a current listing of child-care and elder-care workers who have completed application for registration with the department pursuant to section 210.906, subsections 1 through 2, RSMo, or persons who have voluntarily completed application for registration pursuant to section 210.906, subsection 4, RSMo, including limited available information on workers' background pursuant to section 210.909, subsection 1, subdivisions (1) through (5), RSMo.

(5) "Family Care Safety Registry providers," a current listing of child-care and elder-care providers, pursuant to section 210.909, subsections (2) and (5), RSMo, who have been refused licensure or have experienced licensure suspension or revocation pursuant to sections 210.481 through 210.536, RSMo, sections 210.201 to 210.259, RSMo, or Chapter 198, RSMo.

(6) "Patrol," the Missouri State Highway Patrol.

(7) "Registrant," any person hired on or after January 1, 2001, as a child-care or elder-care worker, or any person not required to register pursuant to the provisions of sections 210.900 to 210.936, RSMo, who voluntarily applies to the department for registration and who meets the requirements of sections 210.906 and 210.909, RSMo, including submitting to the background checks of subsection 1 of section 210.909, RSMo.

(8) "Registry," the Family Care Safety Registry.

AUTHORITY: sections 210.915 and 210.924, RSMo 2000. Emergency rule filed Sept. 19, 2000, effective Jan. 1, 2001, expires June 29, 2001. Original rule filed March 30, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health, Division of Health Standards and Licensure, PO Box 570, Jefferson City, MO 65102-0570. To be con-

sidered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 80—Family Care Safety Registry**

PROPOSED RULE

19 CSR 30-80.020 General

PURPOSE: This rule provides sources to contact to obtain registration forms and outlines specific responsibilities that apply to all registrants in the Family Care Safety Registry.

(1) Registration forms used for the purpose of registering in the Family Care Safety Registry may be obtained by contacting one of the following sources:

- (A) The Family Care Safety Registry toll-free access line;
- (B) The local Department of Health office;
- (C) The local Division of Aging office;
- (D) The local Division of Family Services office; or by
- (E) Accessing the Department of Health website (www.health.state.mo.us).

(2) Completed applications for registration in the Family Care Safety Registry shall be mailed to the Missouri Department of Health, Fee Receipts Unit, PO Box 570, Jefferson City, MO 65102.

(3) Change of Name. Registrants in the Family Care Safety Registry shall notify the Department of Health in writing of a change of name no later than thirty (30) days following the change. Until a change of name is received, actions required pursuant to sections 210.900 to 210.936, RSMo, may continue under the name indicated on the most recent application form.

(4) Change of Address. Registrants in the Family Care Safety Registry shall notify the Department of Health in writing of a change of mailing address no later than thirty (30) days following the change. Until a change of address is received, all correspondence will be mailed to the individual's mailing address indicated on the most recent application form.

AUTHORITY: sections 210.906 and 210.924, RSMo 2000. Emergency rule filed Sept. 19, 2000, effective Jan. 1, 2001, expires June 29, 2001. Original rule filed March 30, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health, Division of Health Standards and Licensure, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 80—Family Care Safety Registry

PROPOSED RULE

19 CSR 30-80.030 Child-Care and Elder-Care Worker Registration

PURPOSE: This rule establishes procedures for submitting completed applications for registration in the Family Care Safety Registry.

(1) Application for Registration.

(A) The application for registration in the Family Care Safety Registry shall include the following:

1. A completed Child-Care and Elder-Care Worker Registration Form, provided by the department, shall be typewritten or printed in ink. The application shall include the following:

- A. Applicant's valid Social Security number;
- B. Information on applicant's right to appeal the information contained in the registry pursuant to section 210.912, RSMo;
- C. Signed consent of the applicant for the background checks pursuant to section 210.906, RSMo;
- D. Signed consent of the applicant for the release of information contained in the background check for employment purposes only;
- E. Worker category;
- F. Applicant's last name, first name, middle name;
- G. Prior names used by applicant;
- H. Applicant's home address;
- I. Applicant's current mailing address, if different than home address;
- J. Applicant's county of residence;
- K. Applicant's date of birth;
- L. Applicant's gender;
- M. Name, address and county of applicant's current employer (if applicable); and

N. Signature of the applicant and date of signature, in ink, which certifies that all information in the registration form is complete and true to the best of the applicant's knowledge;

2. A photocopy of applicant's Social Security card; and

3. A check or money order for the nonrefundable fee of five dollars (\$5) made payable to the Missouri Department of Health.

(B) If the department receives an incomplete application, it will request the required information from the applicant before the application is processed. If the department does not receive the required information within sixty (60) days from the date of the certified mailing of the request, the application shall be void and another application shall be filed. If a subsequent application is filed, it shall be filed pursuant to 19 CSR 30-80.030(1)(A)–(B).

(C) Applications for registration may be submitted to the Family Care Safety Registry by the individual applicant or their employer or prospective employer. An employer or prospective employer may submit completed registration forms using a batch processing form, provided by the department, that will also serve as a request for background screening information.

(D) A batch processing form, provided by the department, shall include the employer's or prospective employer's name and address, a listing of applicants for whom applications for registration are attached, and the employer's or prospective employer's signature that certifies the requested information is for employment purposes only and will not be used for any other purpose. Once the application process has been completed and background checks conducted the Family Care Safety Registry will notify the worker and the employer or prospective employer, whose name

and signature appears on the batch processing form, of the results of the determination recorded on the registry.

AUTHORITY: sections 210.906 and 210.924, RSMo 2000. Emergency rule filed Sept. 19, 2000, effective Jan. 1, 2001, expires June 29, 2001. Original rule filed March 30, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will cost child-care workers \$46,475 and elder-care workers \$255,075 annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health, Division of Health Standards and Licensure, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 19 - DEPARTMENT OF HEALTH

Division: 30 - Division of Health Standards and Licensure

Chapter: 80 - Family Care Safety Registry

Type of Rule Making: New Rule

Rule Number and Name: 19 CSR 30-80.030, Child-Care and Elder-Care Worker Registration

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities.
9,295	Child-Care Applicants	\$ 46,475 annually
51,015	Elder-Care Applicants	\$ 255,075 annually

III. WORKSHEET

The estimates in the aggregate were calculated as follows:

<u>Child-Care Applicants</u>	<u>Annually</u>
New hires	9,295
\$5.00 registration fee	x \$ 5.00
Total Estimated Annual Cost	\$ 46,475

<u>Elder-Care Applicants</u>	<u>Annually</u>
New hires	51,015
\$5.00 registration fee	x \$ 5.00
Total Estimated Annual Cost	\$ 255,075

IV. ASSUMPTIONS

Any person hired on or after January 1, 2001, as a child-care or elder-care worker, as defined in section 210.900, RSMo, is required to apply for registration in the Family Care Safety Registry within 15 days of beginning employment. Persons employed before this date are not required to register unless they leave their current position and become re-employed as a child-care worker or elder-care worker after January 1, 2001.

Each applicant for registration in the Family Care Safety Registry will be charged a \$5.00 registration fee to cover the costs of a criminal background check. The Department of Health anticipates that the employer will incur the cost for some applicants, however, this number is unknown.

Child-care and elder-care workers applying for registration in the Family Care Safety Registry will only be required to register one time. The registry will have the capability to automatically update registrant background screenings, making it unnecessary for child-care and elder-care workers to renew registration.

It is estimated annually 9,295 persons will be newly hired as child-care workers, and 51,025 persons will be newly hired as elder-care workers

It is anticipated the total aggregated cost per year will recur each year for the life of the rule. The duration of this rule cannot be estimated.

The estimated number of child-care and elder-care workers to be hired annually was calculated as follows:

Child-Care Workers

There are currently 1,569 licensed child day care centers in Missouri. The 1,569 child day care centers have an average of eleven employees per facility ($1,569 \times 11 = 17,259$ employees). Based on turnover rates of 30% the Department of Health estimates that 5,178 persons will be hired annually.

There currently are 2,349 licensed family child-care homes in Missouri. Family child-care homes have an average of 1.5 persons per facility ($2,349 \times 1.5 = 3,523$ persons). Based on turnover rates of 30%, the Department of Health estimates that 1,057 persons will be hired annually.

There are currently 438 license-exempt child care centers with an average of eleven employees per center ($438 \times 11 = 4,818$ employees). Based on turnover rates of 30%, the Department of Health estimates 1,445 persons will be hired annually.

There are approximately 3,965 licensed foster homes in Missouri. Based on turnover rates of 3.5%, the Department of Health estimates 140 persons will become foster parents annually.

There are approximately 2,750 child-care workers in residential care facilities that are licensed by the Division of Family Services (DFS). Based on turnover rates of 10%, the Department of Health estimates that 275 persons will become child-care workers annually.

There are approximately 21,720 registered child-care providers that are reimbursed by Division of Family Services to provide child care services. The Division of Family Services estimates that 1,200 persons will become registered child-care providers annually.

In summary, the Department of Health estimates that the following number of child-care workers will be hired annually:

<u>Child-care workers</u>	
Licensed child-care center	5,178
Licensed family child-care home	1,057
License-exempt child-care center	1,445
Foster care parents	140
Residential child-care	275
Providers registered with Family Services	1,200
Est. child-care new hires per year	<u>9,295</u>

Elder-Care Workers

There are approximately 138,400 elder care workers in the state. This includes individuals involved in direct care and administrative activities. This also includes nursing assistants employed by hospice organizations. There are approximately 5,000 home health aides for a total of 143,400 ($138,400 + 5,000 = 143,400$). Based on turnover rates of 35%, the Department of Health estimates that 50,190 persons will be hired annually.

There are approximately 2,664 persons working in hospitals for which subdivision (3) of subsection 1 of section 198.012, RSMo applies. Based on turnover rates of 31%, the Department of Health estimates that 825 persons will be hired annually.

In summary, the Department of Health estimates that the following number of elder-care workers will be hired annually:

<u>Elder-care workers</u>	
Elder-care workers (Division of Aging)	50,190
Hospital workers (§ 198.012, RSMo)	825
	<hr/>
Est. elder-care new hires per year	51,015

All costs are based on approximations and estimations by the department.

If there was more than one method to calculate a cost, the most expensive method was used.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 80—Family Care Safety Registry

Licensure, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PROPOSED RULE

19 CSR 30-80.040 Updates and Appeals of Registry Information

PURPOSE: This rule establishes guidelines pertaining to the updating of information contained in the registry and sets forth the process for the appeal required in section 210.912, RSMo.

(1) Process for Appeal Required in Section 210.912, RSMo.

(A) After receipt of the department's written determination of the results of a background check, conducted and entered in the Family Care Safety Registry pursuant to section 210.909, subsections 1 and 2, RSMo, registrants may appeal to the department under section 210.912, RSMo. Such appeals shall be limited only to the accuracy in the transfer of information from the agency of record to the registry and shall not include a right to appeal the accuracy of the substance of the information transferred.

1. Any such appeal shall be filed in writing by the registrant to the Director, Missouri Department of Health, to the attention of the Family Care Safety Registry, within thirty (30) days of the registrant's receipt of the results of the Family Care Safety Registry's background check.

2. The written appeal shall include the registrant's full name, Social Security number, date of birth, mailing address and zip code, and telephone number, including the area code, where s/he can be reached Monday through Friday, during the hours from 8:00 a.m. through 5:00 p.m. The registrant's written appeal shall also include a specific statement describing the information the registrant believes to have been incorrectly transferred from the agency of record to the registry.

(B) Within thirty (30) days of the filing of the appeal, an informal administrative review of the appeal will be set. The review shall be conducted by the director or by a duly authorized representative of the director.

(C) The department shall maintain a copy of its decision as long as the registrant is listed in the Family Care Safety Registry, or until such information is subsequently amended pursuant to sections 210.906 and 210.909, RSMo.

(2) Updates of the Registry.

(A) Records in the Family Care Safety Registry shall be updated when a request pursuant to section 210.921, RSMo, is made for release of registry information and, as the department deems necessary.

(B) Pursuant to section 210.912, RSMo, registrants shall be advised of updated information contained in the registry. Registrants shall also be advised of the right to appeal the accuracy in the transfer of updated information from the agency of record to the registry.

AUTHORITY: sections 210.912, 210.915 and 210.924, RSMo 2000. Emergency rule filed Sept. 19, 2000 effective Jan. 1, 2001, expires June 29, 2001. Original rule filed March 30, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health, Division of Health Standards and